

**MEDICAL LICENSING BOARD OF INDIANA
INDIANA GOVERNMENT CENTER SOUTH
402 WEST WASHINGTON STREET
ROOM W064
INDIANAPOLIS, INDIANA 46204**

MINUTES OF SEPTEMBER 24, 2009

Stephen Huddleston, J.D., President called the meeting to order at 9:35 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer
Member, President
Robert Allen, M.D.
Bharat Barai, M.D.
Worthe Holt, Jr., M.D.
Donald Vennekotter, M.D.

Members Absent Thomas Akre, D.O., Secretary

Staff Present: Kristen Kelley, Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
James Schmidt, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.,
Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Allen/Vennekotter, 4/0/0
Motion carries

RULE HEARING

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.,
Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Public Hearing on Rules for Prescriptive Authority for Physician Assistants LSA
Document #09-164 – The Board held a public hearing for comments on the
Prescriptive Authority for Physician Assistants, LSA document #09-164. The
Board considered the OMB memo, and how this rule would impact small
businesses.

There were no comments from the public.

After discussion the Board moved to ADOPT the Physician Assistant Prescriptive Authority rule.

Holt/Vennekotter, 4/0/0
Motion carries

ADMINISTRATIVE HEARINGS

The following hearing was continued:

**Richard Maxwell Sandefur, M.D., License No. 01030934A, Cause No. 2009
MLB 0014**

**Adeyemiju Franklin Ademodi, M.D., License No. 01060990A, Cause No.
2009 MBL 0025**

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Barai/Vennekotter, 4/0/0
Motion carries

**Steven Gerald Cervi-Skinner, M.D., License No. 01064352A, Cause No. 2008
MLB 0035**

Respondent did not appear in person and was not represented by counsel regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Mr. McGee informed the Board that the Respondent knew he was supposed to be here for the proposed settlement agreement.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Barai/Vennekotter, 5/0/0
Motion carries

Melvin Duane Cook, M.D., License No. 01020019A, Cause No. 2009 MLB 0021

Respondent did appear in person and was represented by counsel, Peter Veldi, regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included VOLUNTARY and PERMANENT REVOCATION of the Respondent's license.

After reviewing the agreement and taking its file into consideration, the Board moved to APPROVE the settlement agreement.

Holt/Allen, 4/0/0
Motion carries

Andrew James Desonia, D.O., License No. 02001756A, Cause No. 2009 MLB 0030

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Allen/Barai, 5/0/0
Motion carries

Lucy Maryann Dossett, M.D., License No. 01060277A, Cause No. 2009 MLB 0020

Respondent did appear in person and was represented by counsel, Brian Betner regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

A settlement agreement between the Respondent, her counsel and the Attorney General's Office was presented to the Board. The settlement agreement included a FINE of \$1,500 and Respondent is to pay for a copy of the transcript.

After reviewing the agreement and taking official notice of its file in this matter the Board moved to APPROVE the settlement agreement.

Vennekotter/Allen, 4/0/0
Motion carries

Spurgeon Green, M.D., License No. 01037993A, Cause No. 2004 MLB 0004

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Worth Holt, Jr., M.D.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Barai/Holt, 5/0/0
Motion carries

Alan H. Olefsky, M.D., License No. 01047699A, License No. 2007 MLB 0030

Respondent did appear in person and was not represented by counsel regarding a Request to Modify the Order of Probation scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

Kristen Kelley, Board Director was sworn in as a witness and she testified that Dr. Olefsky is in compliance with his order.

Dr. Olefsky is requesting to have a modification of the number of times he must come before the Board for his probation personal appearances. Currently his probation order indicates he must come four (4) times per year for probationary appearances. He is requesting to have this modified to two (2) times per year.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE Dr. Olefsky's request for a modification of his probationary personal appearances to two (2) times per year.

Barai/Vennekotter, 4/0/0
Motion carries

Stephanie Colson Sharpe, M.D., License No. 01051569A, Cause No. 2007 MLB 0017

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

Fred Frick, M.D., ISMA was sworn in as a witness.

Dr. Sharpe informed the Board that she wishes to have her probation withdrawn so that she will be able to take her boards.

Dr. Frick indicated that ISMA is not in support of the withdrawal of probation. He indicated that she has had two (2) relapses and four (4) incidents of suspected diversion.

After discussion Dr. Sharpe requested to withdraw her motion.

The Board moved to APPROVE Dr. Sharpe's request to withdraw her motion.

CONSENSUS
Motion carries

Brion Alan Bertsch, M.D., License No. 01031901A, Cause No. 2007 MLB 0006

Respondent did appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner-Crawford, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Donald Vennekotter, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

The Respondent has had a contract with ISMA since 1992. Dr. Bertsch relapsed on alcohol this week. His contract with ISMA has been terminated.

An agreement between the Respondent and the Attorney General's Office was presented to the Board. The agreement included SUMMARY SUSPENSION for a period of ninety (90) days.

After reviewing the agreement and taking official notice of its file in this matter the Board moved to APPROVE the agreement.

Barai/Vennekotter, 5/0/0
Motion carries

PERSONAL APPEARANCES

INITIAL/RENEWAL APPLICANTS

The following personal appearances were continued:

Jason Hanna, M.D., Initial app

The following personal appearances were cancelled

Ralph Montgomery, M.D., Initial app – Dr. Montgomery withdrew his application for licensure.

Walid Farhat, M.D., 01060508A – Dr. Farhat withdrew his application for renewal.

The following did not appear for their scheduled personal appearances:

Sylvia Horsley, M.D., Initial App

Fawzy Salama, M.D., Initial App

The following appeared before the full Board for their scheduled personal appearances and were sworn in under oath.

Enn Chen, M.D. – Dr. Chen appeared before the Board regarding a request for a waiver of the three (3) attempts rule 844 IAC 4-4.5-12 for her initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Dr. Chen passed Step 3 of the USMLE on the fourth attempt. 844 IAC 4-4.5-12 (2) states "An applicant may have a maximum of three (3) attempts to pass each step of the USMLE. Therefore, upon the third seating of each step of the exam, the applicant must obtain a passing score".

Dr. Chen presented her curriculum vita as evidence of her exceptional circumstance. In her curriculum vita it indicates that she is Board certified; licensed in five (5) states; publications of several articles and book chapters.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to CONTINUE this matter to give Dr. Chen the time to obtain more information. Specifically the Board requested her to demonstrate the true need and shortage in the area she wishes to practice.

Vennekotter/Holt, 5/0/0
Motion carries

Faidherbe Ceus, M.D. – Dr. Ceus appeared before the Board regarding a positive response on his initial application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Dr. Ceus informed the Board that he pled guilty to committing perjury in New York. He was sentenced to nine (9) months in prison; two (2) years of supervised release following imprisonment; a \$2,000 fine and a \$100 penalty assessment.

After discussion the Board moved to CONTINUE this matter to give Dr. Ceus time to submit the following documents:

- Certified copy of the court file
- Transcript of his court hearing

Allen/Holt, 5/0/0
Motion carries

Oreste Romeo, M.D. – Dr. Romeo appeared before the Board regarding a request for a waiver of the three (3) attempts rule 844 IAC 4-4.5-12 for his initial application for licensure and was represented by counsel, Brian Betner.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D. Bharat Barai, M.D.

Michael Fletcher, M.D. and Jeffrey Heise, M.D. were sworn in as witnesses for Dr. Romeo.

Dr. Romeo passed Step 1 of the USMLE on the fourth (4th) attempt and he passed step 2 on the sixth (6th) attempt. 844 IAC 4-4.5-12 (2) states "An applicant may have a maximum of three (3) attempts to pass each step of the USMLE. Therefore, upon the third seating of each step of the exam, the applicant must obtain a passing score".

After discussion the Board moved to GRANT the waiver of the three (3) attempts rule based upon the following:

- Board eligible
- Appearance of Michael Fletcher, M.D. and Jeffrey Heise, M.D.
- Several recommendation letters
- Active license in Michigan
- Total of nine (9) years of residency/fellowship
- Dr. Romeo does not have any disciplinary or malpractice issues
- Three (3) year employment contract with Hancock Regional Hospital
- Hospital representative appeared to testify to the Hospitals need for a general surgeon
 - Hospital has been searching for a general surgeon for two (2) years without any qualified candidates.

Holt/Allen, 5/0/0
Motion carried

David Kuhaneck, M.D. – Dr. Kuhaneck appeared before the Board regarding a positive response on his initial app and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D. Worthe Holt, Jr., M.D.

Dr. Kuhaneck last saw a patient in March 2007 when he took early retirement. He has since practiced at Logansport Hospital on his temporary license and has not had any problems.

His license in Alaska is active.

After discussion the Board moved to APPROVE Dr. Kuhaneck for licensure.

Holt/Allen, 5/0/0
Motion carries

Stephen Cullinan, M.D. – Dr. Cullinan did appear in person regarding documentation received by the Board concerning his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Shelton Frey, Esq. was sworn in as a witness to testify for Dr. Cullinan.

Mr. Frey testified that it was the staff that completed Dr. Cullinan's renewal application without his knowledge. In doing so they answered the question incorrectly. In no way was Dr. Cullinan trying to deceive the Board.

Dr. Cullinan was fined \$10,000 by the State of Michigan.

After discussion the Board moved to APPROVE Dr. Cullinan's license renewal.

Vennekotter/Barai, 3/2/0, with Dr. Holt and Mr. Huddleston opposing
Motion carries

Timothy Goedde, M.D. – Dr. Goedde appeared before the Board regarding a positive response on his renewal application and was represented by counsel, Robert Hammerly.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Dr. Goedde appeared before the Board in August and the Board requested the following additional information:

- ISMA status letter
- Letter from the Texas treatment program
- Copy of the court agreement

Mr. Hammerly explained to the Board that they do have an agreement with the court as it has not been signed at this time. He submitted a copy of the letter from the Texas program to ISMA and thought that was sufficient.

After discussion the Board moved to APPROVE Dr. Goedde's license renewal.
Barai/no second
Motion fails

After further discussion the Board moved to APPROVE Dr. Goedde's license renewal upon receipt of a copy of the letter from the Texas treatment program and a copy of the signed court agreement.

Vennekotter/Allen, 5/0/0
Motion carries

Kimberly Kerr-Knott, M.D. – Dr. Kerr-Knott appeared before the Board regarding a positive response on her renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Dr. Kerr-Knott explained to the Board that her privileges were suspended due to depression. She is currently being treated for her depression and her privileges were reinstated prior to her medical retirement from the Air Force.

After discussion the Board moved to APPROVE Dr. Kerr-Knott's license renewal.

Holt/Barai, 5/0/0
Motion carries

Marco Lona, M.D. – Dr. Lona appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Maryann Lona was sworn in as a witness to testify for her husband.

Dr. Lona was arrested in Illinois and charged with Aggravated Unlawful Use of a Weapon. He had a loaded 9MM luger in his car when a Police Officer stopped to help him.

After further discussion the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE AG'S OFFICE for investigation in accordance with IC 25-1-4(g). The status of his license will be "Valid to practice while

reviewed" allowing Dr. Lona to continue to practice while the AG's office investigates.

Allen/Vennekotter, 4/0/1, with Dr. Barai abstaining
Motion carries

Buddy Lopez, M.D. – Dr. Lopez appeared before the Board concerning positive responses on his renewal application and was represented by counsel, John Ittenbach.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Candace Backer, ISMA was sworn in to testify.

Dr. Lopez has signed a contract with the Kentucky Physicians Health Foundation.

Ms. Backer testified that Dr. Lopez has signed a 5 year contract with ISMA as he was going to primarily work in Indiana. However, if he will be primarily working in Kentucky, the Kentucky program should do the monitoring.

After further discussion the Board moved to NEITHER RENEW NOR DENY but to REFER THIS MATTER TO THE AG'S OFFICE for investigation in accordance with IC 25-1-4(g). The status of his license will be "Valid to practice while reviewed" allowing Dr. Lopez to continue to practice while the AG's office investigates.

Barai/Holt, 5/0/0
Motion carries

Raad Rashan, M.D. – Dr. Rashan appeared before the Board concerning a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Dr. Rashan's license in Illinois was reprimanded and he was fined \$2,000.

Dr. Rashan explained that this was due to a failure to diagnose and treat diabetic complications. He further explained that the patient had not informed him that he was diabetic.

After discussion the Board moved to APPROVE Dr. Rashan's license renewal.

Holt/Barai, 5/0/0
Motion carries

Gregory Rowdon, M.D. – Dr. Rowdon appeared before the Board regarding positive responses on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Dr. Rowdon appeared before the Board regarding this matter in August and the Board continued it in order for Dr. Rowdon to obtain an evaluation by a Board certified addictionologist.

Dr. Rowdon submitted the evaluation to the Board, which was favorable.

After discussion the Board moved to APPROVE Dr. Rowdon's license renewal.

Allen/Barai, 5/0/0
Motion carries

Valery Sobczynski, M.D. – Dr. Sobczynski appeared before the Board regarding a positive response on his renewal application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

The Arizona Board requested that Dr. Sobczynski complete the PACE program evaluation. Dr. Sobczynski has completed phase 1 and phase 2, both with favorable results. He submitted a copy of the results to the Board to review.

After discussion the Board moved to APPROVE Dr. Sobczynski's license renewal.

Holt/Barai, 5/0/0
Motion carries

REVIEW OF INITIAL/RENEWAL APPLICATIONS

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

The Board reviewed the positive response information on the following applicant(s) and approved them for renewal/issuance: Allen/Vennekotter, 5/0/0 Motion carries

Masroor Abro, M.D., Initial App
Richard Peterman, M.D., Initial App
Stephen Wolfe, M.D., Initial App

Per Amundson, M.D., Initial App
Kevin Rittger, M.D., Initial App

The Board reviewed the positive response information on the following applicant(s) and requested a personal appearance: Vennekotter/Barai, 5/0/0 Motion carries

Francis Keating, D.O., Initial App

Sathappan Kumar, M.D., Initial Application – At the August 27, 2009 meeting, the Board denied Dr. Kumar's initial application based on the information below.

Dr. Kumar does not have his post graduate training through an approved program.

844 IAC 4-4.5-4 Approved postgraduate (internship and residency) programs

Sec.4. An approved internship or residency program is one that was, at the time the applicant was enrolled in the internship or residency program accepted by the:

- (1) Accreditation Council for Graduate Medical Education;
- (2) Executive Committee of the Council on Postdoctoral Training of the American Osteopathic Association; or
- (3) Royal College of Physicians and Surgeons of Canada

Dr. Kumar has requested that the Board reverse their denial and allow him to withdraw his application.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

After discussion the Board moved to vacate the denial and APPROVED Dr. Kumar's request to WITHDRAW his initial application for licensure.

CONSENSUS
Motion carries

PHYSICIAN ASSISTANT PRESCRIPTIVE AUTHORITY APPLICATIONS

The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Holt/Vennekotter, 5/0/0 motion carries

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Rachel Ferrell, 10001027A
Nicole Helsom, 10000849A
Mariah Lefforge, 10000990A
Heather Smith, 10001127A

Julie Heimann, 10000828A
Tracy Reese, 10001125A
John Richard, 10000373A
Emily Twichell, 10001130A

DISCUSSION

Controlled Substances Advisory Committee – Dr. Akre is currently the Board's representative to the CSAC meetings but would like to give another member the opportunity.

Participating Board Members: Stephen Huddleston, J.D., Bharat Barai, M.D., Thomas Akre, D.O., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

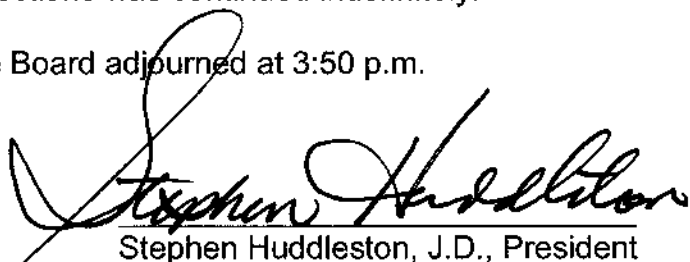
The Board discussed who would like to replace Dr. Akre as the Board's representative. Robert Allen, M.D., volunteered to be the new representative for the CSAC meetings.

The Board moved to APPROVE Dr. Allen to be their representative at the CSAC meetings.

Barai/Vennekotter, 5/0/0
Motion carries

The discussion regarding Officer Elections was continued indefinitely.

There being no further business the Board adjourned at 3:50 p.m.



Stephen Huddleston, J.D., President

Thomas Akre, D.O., Secretary